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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL PERU GUERRA,

Defendant and Appellant.

E054659

(Super.Ct.No. INF10002961)

OPINION

APPEAL from the Superior Court of Riverside County. Thomas N. Douglass, Jr.,  
Judge. Affirmed.

Gregory Marshall, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Michael Peru Guerra (defendant) appeals from his conviction after pleading guilty, and receiving a four-year sentence, resulting from driving a stolen vehicle and his efforts to evade police. We affirm the conviction.

### **FACTS AND PROCEDURE**

At 2:00 a.m. on November 2, 2010, highway patrol officers began to pursue a truck after the driver, defendant, had dropped off a passenger in a residential area and left the location as two officers exited their patrol car and approached the truck, which had been reported stolen in a carjacking earlier that evening. Defendant drove the stolen truck at high rates of speed through a number of intersections without stopping. At some point, defendant lost control of the truck and spun out. The pursuing officers used the push bumpers of their patrol car to stop defendant from driving further. Defendant then got out of the truck and fled on foot until one of the officers stopped him with a taser weapon. Defendant had a glass pipe in his possession that had a white residue inside, and he was jittery and acted paranoid, as if he were under the influence of methamphetamine.

The People charged defendant with three felony counts: receiving stolen property (Pen. Code, § 496d); evading pursuing police officers (Veh. Code, § 2800.2); and possession of a controlled substance (Health & Saf. Code, § 11550, subd. (a)). The People also charged defendant with three misdemeanors: driving under the influence (Veh. Code, § 23152); resisting or interfering with police officers (Pen. Code, § 148); and possessing drug paraphernalia (Health & Saf. Code, § 11364). The People alleged defendant had a 2008 robbery conviction that both qualified as a “strike” conviction

((Pen. Code, § 667, subds. (b) - (i)), and resulted in a prior prison term (Pen. Code, § 667.5).

On September 7, 2011, defendant pled guilty to felony receiving stolen property, misdemeanor driving under the influence, and resisting or interfering with police officers; he also admitted the strike conviction. The other charges and prior prison term allegation were dismissed. Defendant received a two-year prison term for the felony, doubled to four years for the strike prior, and the misdemeanors were disposed of with concurrent jail sentences. This appeal followed, after the court granted defendant's request for a certificate of probable cause.

### **DISCUSSION**

Upon defendant's request, this court appointed counsel to represent him on appeal. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

**DISPOSITION**

The judgment is affirmed.

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RAMIREZ  
P. J.

We concur:

RICHLI  
J.

KING  
J.